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Federal Communications Commission
Office of Secretary

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August 21, 1998

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Attention: Ms. Magalie R. Salas, Secretary

RE: CC Docket No. 96-115 (Telecommunications Carriers Use of CPNI and Other Customer Information)

Dear Ms. Salas:

Enclosed for filing on behalf of SNET America, Inc. are the original and four (4) copies of its Written Comments in response to the Commission's Public Notice of August 7, 1998 soliciting such comments in the above-captioned docket.

Respectfully submitted this 24th day of August, 1998.

SNET AMERICA, INC.

By Tyler Cooper & Alcorn, LLP

By Robert J. Metzler II /aw7
Robert J. Metzler, II

cc: Chairman William E. Kennard
Commissioner Susan Ness
Commissioner Harold Furchtgott-Roth
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Janice Myles, Common Carrier Bureau
Katherine C. Brown
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AUG 24 1998

Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Telecommunications Carriers Use
Of Customer Proprietary Network
Information and Other Customer
Information

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CC Docket 96-115

**SNET AMERICA, INC. COMMENTS ON PETITION FOR WAIVER OF CUSTOMER
PROPRIETARY NETWORK INFORMATION**

I. Introduction

In a filing dated July 16, 1998, the Connecticut Department of Public Utility Control ("Department") submitted to the Federal Communications Commission ("FCC") a Petition for Waiver of the Customer Proprietary Network Information ("CPNI") rules, 47 U.S.C. §222, Privacy of Customer Information (the "CPNI Rules"). The FCC issued a Public Notice dated August 7, 1998, requesting comments on the Department's Petition. SNET America, Inc. ("SAI") submits these Written Comments in support of the Department's request for a limited waiver of the CPNI Rules in connection with the ballot process.

II. Argument

SNET America, Inc. ("SAI") is a certified local exchange carrier ("CLEC") in Connecticut and the retail affiliate of The Southern New England Telephone Company (the "Telco"), an incumbent local exchange carrier in Connecticut. Pursuant to a Department-approved plan for corporate restructure of Southern New England Telecommunications Corporation, the Telco plans to withdraw from the retail telecommunications market. The Department determined that prior to that withdrawal, the Department will conduct a ballot process to allow the Telco's current retail customers to elect a local service provider from among the CLECs that choose to participate on the ballot. The Department is seeking the waiver of the CPNI Rules for the limited purpose of facilitating that ballot process.

SAI agrees with the Department's contention, as set forth in its Petition, that the current CPNI Rules will affect the ballot process. First, inclusion of the required CPNI notice and signature section will add significantly to the length of the ballot, which in turn will add significantly to the cost of generating and mailing the ballot. Such notice and accompanying signature requirement could also add to the complexity of the ballot process for the customer.

Second, under the ballot process as set forth by the Department, any customer who fails to elect a local service provider by returning his or her ballot will be allocated to a CLEC participating in the ballot process. The CPNI Rules require full disclosure of CPNI rights and affirmative consent from the customer. A customer who does not return and sign the ballot will not have given express consent to release any CPNI; however, the CLEC to whom the customer is allocated will require CPNI to set up the customer's local service. Therefore, unless the FCC grants the requested waiver, customers who fail to select a CLEC and fail to sign the CPNI authorization could not be allocated to a CLEC.

The waiver, as requested by the Department, would facilitate the ballot process.

II. Conclusion

As set forth above, SAI supports the Department's request for a waiver of the CPNI Rules for the limited purpose of facilitating the Connecticut ballot process. SAI, therefore, respectfully requests the FCC to approve the Department's petition for the limited time of the actual ballot process to permit the transfer of a customer's CPNI from the Telco to a ballot-participating CLEC without express customer notification and authorization.

Respectfully submitted,

SNET AMERICA, INC.

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August 24, 1998